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**UNITED STATES DISCOVERY COURT**  
**DISTRICT OF NEVADA, SOUTHERN DIVISION**

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MARY MICHELLE EUGENIO, an individual,  
  
Plaintiffs,  
  
vs.

CASE NO: 2-21-cv-00968

GEICO ADVANTAGE INSURANCE  
COMPANY; DOES I through X, inclusive; and  
ROE CORPORATIONS I through X, inclusive,  
  
Defendants.

**PROPOSED JOINT DISCOVERY PLAN AND SCHEDULING ORDER**

Pursuant to Local Rule 26-1, the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday or legal holiday have been scheduled for the preceding or next judicial day.

1. **Meeting:** Pursuant to Federal Rule of Civil Procedure (“FRCP”) 26(f), a meeting was held on **September 15, 2021** and was attended by Lynn R. Shoen, Esq., of the Eric Roy Law Firm for Plaintiff Mary Michelle Eugenio (“Plaintiff”) and Stacy Norris of McCormick, Barstow, Sheppard, Wayte & Carruth, LLP for Defendant GEICO Advantage Insurance Company (“Defendant”), (collectively, the “Parties”).
2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1)(C), the Parties agree to exchange initial disclosures fourteen (14) days from the FRCP 26(f) conference.

Accordingly, Plaintiff and Defendant will make their pre-discovery disclosures by Wednesday, September 29, 2021.

3. **Areas of Discovery**: The Parties agree that the areas of discovery should include, but are not limited to, breach of contract, liability, causation, damages, and all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. **Discovery Plan**: The Parties propose the following discovery plan:

A. **Discovery Cut-Off Date(s)**. The Parties agree to nine (9) months of discovery from the date of the FRCP 26(a)(1)(C) conference and thus the Parties propose that the discovery cut-off date be Wednesday, June 15, 2022.

B. **Amending the Pleadings and Adding Parties**. The Parties shall have until Thursday, March 17, 2022 to file any motions to amend the pleadings or add parties. This is 90 days before the Discovery Cut-Off Date.

C. **FRCP 26-1(b)(3). Disclosure of Experts**. The Parties agree that disclosure of experts shall proceed according to FRCP 26(a)(2) as follows: The disclosure of experts and their reports shall occur on or before Monday, April 18, 2022. The disclosure of rebuttal experts and their reports shall occur on or before Monday, May 16, 2022. These deadlines are 60 and 30 days before the Discovery Cut-Off Date, respectively.

D. **Dispositive Motions**. The Parties shall have until Friday, July 15, 2022 to file dispositive motions. This is 30 days after the Discovery Cut-Off Date, as required by LR 26-1(b)(4).

E. **Pre-Trial Order**. The Parties will prepare a Consolidated Pre-Trial Order on or before Monday, August 15, 2022, which is not more than 30 days after the date set for filing Dispositive Motions in this case, as required by LR 26-1(b)(5). This deadline will be suspended if Dispositive Motions are timely filed until 30 days after the decision of the Dispositive Motions or until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be made in the pre-trial order.

1           **F. Extensions or Modifications of the Discovery Plan and Scheduling Order.**

2           LR 26-3 governs modifications or extensions of this Discovery Plan and  
3           Scheduling Order. Any stipulation or motion to extend a deadline set forth in  
4           the Discovery Plan and Scheduling Order must be made no later than 21 days  
5           before the subject deadline. Any stipulation or motion to extend the Discovery  
6           Cut-Off period must be made no later than Wednesday, May 25, 2022, 21 days  
7           before the Discovery Cut-Off Date.

8           **G. Format of Discovery.** Pursuant to the electronic discovery amendments to  
9           the Federal Rules of Civil Procedure effective December 1, 2006, the Parties  
10          addressed the e-discovery issues pertaining to the format of discovery at the  
11          FRCP 26(f) conference. The Parties do not anticipate discovery of native files  
12          or metadata at this time, but each party reserves the right to make a showing  
13          of the need of such electronic data as discovery progresses.

14          **H. FRCP 35 Examination.** Defendant reserves the right to have Plaintiff  
15          undergo an FRCP 35 Examination performed by Defendant doctor(s), to be  
16          determined should Plaintiff assert future damages. Said independent medical  
17          examination is allowed pursuant to the Federal Rules of Civil Procedure and  
18          without waiving all objections thereto.

19          **I. Alternative Dispute Resolution.** The Parties certify that they met and  
20          conferred about the possibility of using alternative dispute resolution  
21          processes, including mediation, arbitration and, if applicable, early neutral  
22          evaluation.

23          **J. Alternative Forms of Case Disposition.** The Parties have conferred on this  
24          issue and they believe they will need at least some discovery and private  
25          settlement discussions before they can make any determination if alternative  
26          forms of case disposition are viable options for them.

**K. Electronic Evidence.** The Parties certify that they may present evidence in electronic format to jurors for the purpose of jury deliberations in compliance with the Court's electronic jury evidence display system.

Dated: September 16, 2021

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**ERIC ROY LAW FIRM**

**McCORMICK, BARSTOW, SHEPPARD,  
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*/s/ Lynn R. Shoen*

*/s/ Stacy Norris*

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**Order**

IT IS ORDERED that ECF No. 11 is DENIED without prejudice for failure to comply with LR 26-1(a). IT IS FURTHER ORDERED that the parties are to file another joint proposed discovery plan and scheduling order by 9/24/2021.

IT IS SO ORDERED

DATED: 11:24 am, September 17, 2021



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE